

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DT 08-146**

**ORDER OF NOTICE**

On November 14, 2008, segTEL, Inc. (segTEL), a registered competitive local exchange carrier (CLEC) in the state of New Hampshire, filed with the Public Utilities Commission (Commission) a petition for arbitration or, alternatively, adjudication regarding a denial by Public Service of New Hampshire (PSNH) of access to electric “transbution” poles for the attachment of telecommunications cables. According to segTEL, “transbution” refers to utility poles carrying low-voltage electric facilities that can accommodate both distribution and intrastate transmission needs. segTEL seeks to attach telecommunications cables or wires to approximately 100 such poles owned by PSNH. The poles in question are located on private property pursuant to private easement rights obtained by PSNH. segTEL bases its petition on section 224 of the Telecommunications Act of 1996 and corresponding federal regulations, as well as New Hampshire RSA 374:34-A and New Hampshire Code of Administrative Rules PART Puc 1300 concerning access to utility poles.

On November 24, 2008, PSNH filed an objection to segTEL’s petition and a motion to dismiss. On December 16, 2008, segTEL objected to PSNH’s motion to dismiss. On December 23, 2008, PSNH filed a motion to strike segTEL’s objection.

The filings raise, *inter alia*, issues related to whether PSNH is required to provide access to the poles in question under federal and/or state law; whether PSNH’s response to segTEL’s request for access to poles was reasonable; whether and to what extent segTEL bears responsibility for obtaining the private easement rights at issue pursuant to its pole agreement

with PSNH; and whether arbitration or some other informal means of resolving disputes is appropriate. Each party has the right to have an attorney represent them at their own expense.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on February 3, 2009 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Admin. Rule Puc 203.15 shall be considered; and it is

**FURTHER ORDERED**, that, immediately following the Prehearing Conference, segTEL, PSNH, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow segTEL to provide any amendments or updates to its filing; and it is

**FURTHER ORDERED**, that pursuant to N.H. Code Admin. Rules Puc 203.12, segTEL shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than January 22, 2009, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before February 3, 2009; and it is

**FURTHER ORDERED**, that pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to segTEL, PSNH and the Office of the Consumer Advocate on or before January 29, 2009, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the

proceeding, as required by N.H. Code Admin. Rules Puc 203.17 and RSA 541-A:32, I(b); and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before February 3, 2009.

By order of the Public Utilities Commission of New Hampshire this sixteenth day of January, 2009.

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Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.